

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COURTNEY LINDE, et al.

Plaintiffs,

-against-

ARAB BANK, PLC,

Defendant.

Case No. CV 04 2799(NG)(VVP)

ROBERT L. COULTER, SR.,
FOR THE ESTATE OF JANIS RUTH
COULTER, ET AL.

Plaintiffs,

-against-

ARAB BANK, PLC,

Defendant.

Case No. CV 05 365(NG)(VVP)

MILLER, et al.

Plaintiffs,

-against-

ARAB BANK, PLC,

Defendant.

Case No. CV 05 5518(NG)(VVP)

STIPULATION AND CONSENT ORDER

WHEREAS, Netanel Miller, Chaya Miller and Arie Miller (the “Transferring Plaintiffs”) are plaintiffs in *Miller, et al. v. Arab Bank plc*, Case No. CV 05-5518 (NG)(VVP) (the “*Miller* action”); and

WHEREAS, the Transferring Plaintiffs are represented in the *Miller* action by counsel for plaintiffs in *Coulter, et al. v. Arab Bank plc*, Case No. CV 05-365 (NG)(VVP) (the “*Coulter* action”); and

WHEREAS, the parties in the above-captioned actions agree that severing the Transferring Plaintiffs from the *Miller* action and adding them to the *Coulter* action is the most efficient manner in which to proceed with those plaintiffs’ claims now; and

WHEREAS, Plaintiffs’ counsel in the above-captioned actions have been retained by three persons, and their respective family members, (the “Additional Plaintiffs”) who may wish to file a lawsuit against Arab Bank plc (“Defendant”) alleging facts similar to those alleged in *Linde, et al. v. Arab Bank plc*, Case No. CV 04-2799 (NG)(VVP) (the “*Linde* action”) and the *Coulter* action; and

WHEREAS, Plaintiffs and Defendants seek to avoid the administrative burden of filing and responding to a new action that alleges the same or similar facts as those alleged in the above-captioned actions.

NOW THEREFORE, it is stipulated and agreed as follows:

1. The Transferring Plaintiffs shall be added to the *Coulter* action pursuant to Fed. R. Civ. P. 15(d) by filing a Supplemental Complaint on or before February 7, 2006 that: (a) sets forth the Transferring Plaintiffs’ names and nationalities and date and place in which they were injured; (b) for the purposes of all defenses related to the timing of the filing of the Transferring Plaintiffs’ claims against Arab Bank, including, but not limited to, all defenses related to statutes of limitation, statutes of repose, estoppel and laches, the claims of the Transferring Plaintiffs (previously asserted in the *Miller* action) shall be treated as having been

filed on November 28, 2005, the date of the filing of the *Miller* action; (c) this Stipulation shall not provide Arab Bank with any defense related to the Transferring Plaintiffs that Arab Bank would not have possessed had the Transferring Plaintiffs remained as plaintiffs in the *Miller* action; (d) this Stipulation shall not deprive Arab Bank of any potential defense to the claims asserted by the Transferring Plaintiffs, except as expressly stated herein; and (e) the *Miller* action is hereby withdrawn and counsel for the Transferring Plaintiffs shall separately file an appropriate notice of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(i).

2. The Additional Plaintiffs may be added to the *Linde* and *Coulter* actions pursuant to Fed. R. Civ. P. 15(d) by filing a Supplemental Complaint on or before February 7, 2006 that: (a) sets forth the Additional Plaintiffs' names and nationalities and date and place in which they were injured; and (b) conforms to the terms of the Court's July 22, 2005 Order regarding the filing of a First Supplemental Complaint in *Little v. Arab Bank plc*, Case No. CV 04-5449 (NG)(VVP).

3. Additional Plaintiffs added pursuant to the terms of this Stipulation and Consent Order need not re-serve Defendant.

4. The terms of this Stipulation and Consent Order shall not preclude Defendant from asserting any defense to the claims asserted by any Additional Plaintiff or Transferred Plaintiff or from filing a separate motion to dismiss or other responsive pleading with respect to the individual claims asserted by each Additional Plaintiff or Transferred Plaintiff; provided that the issues raised in any such motion to dismiss have not previously been decided by the Court in *Linde, et al. v. Arab Bank plc*, 384 F.Supp.2d 571 (E.D.N.Y 2005).

5. Claims asserted by Additional Plaintiffs added pursuant to the terms of this Stipulation and Consent Order will be considered to have been filed on the date a

Supplemental Complaint is filed with the Court and shall not relate back to the date the original complaints in these actions were filed. For limitations purposes, the date of filing of a Supplemental Complaint will be deemed the date a Supplemental Complaint is filed with the Court, not the date the Stipulation and Consent Order is entered by the Court.

6. Defendant shall answer, move or otherwise respond to the claims asserted by any Transferring or Additional Plaintiff, added pursuant to the terms of this Stipulation and Consent Order, on or before thirty days after a Supplemental Complaint is filed.

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So ordered this

____th day of _____

United States District Judge

SERVICE LIST

BY ELECTRONIC DELIVERY:

IN LITLE, ET AL. V. ARAB BANK, PLC, CV 04-5449 & BENNETT, ET AL. V. ARAB BANK, PLC, CV 05-3183 & ROTH, ET AL. V. ARAB BANK, PLC, CV 05-3738

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IN ALMOG, ET AL. . v. ARAB BANK, PLC, CV 04-5564 & AFRIAT-KURTZER, ET AL. V. ARAB BANK, PLC, CV 05-388

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